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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BARTELL RANCH, LLC, a Nevada limited liability company and **EDWARD BARTELL**,

Plaintiffs

vs.

ESTER M. MCCULLOUGH, Winnemucca District Manager, **BUREAU OF LAND MANAGEMENT**,

Defendants,

and

LITHIUM NEVADA CORP.,
Defendant-Intervenor.

Case No.: 3:21-cv-00080-MMD-CLB

**ORDER GRANTING JOINT MOTION BY
BARTELL PLAINTIFFS AND FEDERAL
DEFENDANTS FOR STAY OF BRIEFING
OF BARTELL PLAINTIFFS' EAJA
MOTION**

1 Plaintiffs Bartell Ranch and Edward Bartell (“Bartell Plaintiffs”) and Federal Defendants
2 the United States Bureau of Land Management and Ester M. McCullough (“Defendants”) hereby
3 jointly move to stay briefing on Bartell Plaintiffs’ Motion/Petition for Attorneys’ Fees under
4 the Equal Access to Justice Act (“EAJA”) to facilitate the continuance of settlement discussions.

5 Bartell Plaintiffs filed their “placeholder” motion/petition for attorneys’ fees under EAJA
6 on November 10, 2023. *See Greenpeace v. Stewart*, No. 17-35945, 2020 WL 2465321, *4-5 (9th
7 Cir. Commissioner, May 12, 2020) (approving use of EAJA placeholder motion). Bartell
8 Plaintiffs and Defendants subsequently filed a joint motion to stay briefing on Bartell
9 Plaintiffs’ motion/petition for attorneys’ fees. A second joint motion to stay briefing was filed
10 on February 26, 2024. Pursuant to this Court’s order (ECF No. 325) approving the second joint
11 motion to stay, a status report is due April 26, 2024.

12 The status of Bartell Plaintiffs and Defendants is largely unchanged since the last
13 status report. Bartell Plaintiffs and Defendants continue to engage in settlement discussions,
14 and a settlement offer has been tentatively accepted. Bartell Plaintiffs and Defendants are
15 moving forward in confirming the settlement of Bartell Plaintiffs’ fees. Bartell Plaintiffs and
16 Defendants therefore propose that briefing on Bartell Plaintiffs’ Motion/Petition for Attorneys’
17 Fees continue to be stayed while settlement discussions are ongoing, provided that if a
18 settlement cannot be reached Defendants will inform the Court and, at that time, file a joint
19 schedule which would allow Bartell Plaintiffs to amend its EAJA motion, submit supporting
20 evidence, and create a briefing schedule.

21 Accordingly, Bartell Plaintiffs and Defendants move the Court for an order finding:

- 22 1. That briefing on Bartell Plaintiffs’ EAJA motion continue to be stayed;
- 23
24

2. Bartell Plaintiffs and Defendants will submit a status report updating the Court on the progress of EAJA negotiations within 60 days of the Court's order on this Joint Motion; and

3. If settlement is unsuccessful, Bartell Plaintiffs and Defendants will file a joint schedule for Bartell Plaintiffs to amend their EAJA motion, submit additional supporting evidence, and creating a briefing schedule.

Respectfully submitted this 26th day of April, 2024.

/s/ Dominic M. Carollo

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2024 I filed the foregoing **JOINT MOTION BY BARTELL PLAINTIFFS AND FEDERAL DEFENDANTS FOR STAY OF BRIEFING OF BARTELL PLAINTIFFS' EAJA MOTION** using the United States District Court CM/ECF, which caused all counsel of record to be served electronically.

/s/Dominic Carollo
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Attorneys for Plaintiffs

IT IS SO ORDERED. DATED THIS 29th Day of April 2024.



CHIEF U.S. DISTRICT JUDGE
MIRANDA M. DU